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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,517	08/17/2001	Edgar Michael Fitzsimons	4301-4000	6328
27123	7590	04/06/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			LUU, SY D	
		ART UNIT		PAPER NUMBER
				2174

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/932,517	FITZSIMONS ET AL.	
	Examiner Sy D Luu	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 11/10/04. Claims 1-39 are pending in this application. Claims 1, 14 and 27 are independent claims. In the Amendment filed 11/10/04, claims 1-2, 4, 11, and 17-18 were amended. This action is Final.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 103

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora et al. (“Arora”, US 2002/0023111A1) in view of Fisher (US 6,331,858 B2).

As per claims 1 and 3, Arora teaches a method of constructing a composite image within an image space of a webpage, such method comprising: dividing the image space of the composite image into a plurality of subspaces, designating a subspace of the plurality of subspaces for receipt of a selected image of the plurality of images (abstract; pages 3 and 5, paragraphs 76-78 and 94; *selecting and dragging/dropping display elements such as images to their designated subspaces to define a webpage layout*); and resizing the selected image to fit the designated subspace of the composite image, and displaying the resized image in the designated subspace (page 5, paragraph 103; and page 6, paragraph 109; *sizing function*).

While Arora teaches the steps of selecting and dragging/dropping display elements to their designated subspaces, Arora does not expressly disclose the step of displaying a plurality of source images (*display elements*) within a content area of the webpage for selecting/dragging/dropping a desired image. Fisher teaches a web browsing user interface for

selecting a desired texture image within a content area of a webpage to be applied to a designated subspace on the webpage (abstract; fig. 3; col. 3, lines 37-40; col. 4, lines 17-45). It would have been obvious to an artisan at the time of the invention to combine Fisher's teaching of displaying a plurality of image choices in a content area of the webpage with Arora's method in order to facilitate user's viewing and selecting desired images.

As per claim 2, Arora teaches the step of using a mark-up language to encode the composite image (page 1, paragraph 10).

As per claim 4, Arora teaches the step of displaying a plurality of text images within the content area (page 5, paragraph 94).

As per claim 5, Arora teaches the step of designating a subspace of the plurality of subspaces for receipt of a selected text image of the plurality of text images (page 3, paragraph 78; and page 5, paragraphs 94 and 96).

As per claim 6, Arora teaches the step of resizing the selected text image of the plurality of text images to fit the designated space (page 5, paragraph 103; *sizing function*).

As per claim 7, Arora teaches the step of displaying the resized text image in the designated subspace (page 5, paragraphs 95 and 99; *previewing*)

As per claims 8-9, Arora's method discloses a Text Tool for creating a text display element (page 5, paragraph 107), but Arora does not explicitly teach the steps of editing text within a text image of the plurality of text images, and editing a content of the text image within the designated space. Official Notice is taken that the step of editing text and/or content of a text image is well known in the art. It would have been obvious to an artisan at the time of the

invention to include such a feature in order to allow users to modify texts that have already been entered.

As per claim 10, Arora teaches the step of dividing a subspace of the plurality of subspaces into a text area and an image area (fig. 5; page 5, paragraph 94).

As per claim 11, Arora teaches the step of dragging a text image of the plurality of text images to the text area of the divided subspace (fig. 5; page 5, paragraph 94).

As per claim 12, Arora teaches the step of dragging a source image of the plurality of source images to the image area of the divided subspace (fig. 5; page 5, paragraph 94).

As per claim 13, Arora teaches the step of disposing lines around a subspace of the plurality of subspaces (fig. 5; outline of a border around image 502 and text 504).

Claims 14-26 are similar in scope to claims 1-13 respectively, and are therefore rejected under similar rationale.

Claims 27-39 are similar in scope to claims 1-13 respectively, and are therefore rejected under similar rationale.

Response to Arguments

4. Applicant's arguments with respect to claim 1 have been fully considered but they are not persuasive.

Applicant argues that Arora fails to teach the claimed "subspace" which is obtained from "dividing the image space of the composite image into a plurality", and thus there is no notion of a subspace in Arora's teaching.

The Examiner disagrees for the following reasons. First, space is defined to be “an empty area (usually bounded in some way between things)”, and subspace is defined to be “a space that is contained within another space” according to *WordNet ® 2.0 of Princeton University*. Second, on figure 4 of Arora, space 404 is depicted as an empty area bounded as the body of a webpage (paragraph 90). Within space 404, a plurality of other subspaces such as those occupying the areas which encompass elements such as image 502 (fig. 5, subspaces 502 and 504). Thus, it is clear that area 404 and its sub-areas 502/504 meet the definition of space and subspace as pointed out above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2174

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SY D. LUU
PRIMARY EXAMINER**